### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 6069

LEVERGOOD et al.

Art Unit: 2452

Appl. No.: 09/548,235

Examiner: WINDER, Patrice L.

Filed: April 12, 2000

Atty. Docket: 3057.0020002

For: Web Advertising Method

### Twentieth Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

#### Commissioner:

### Notice of Prior and Concurrent Proceedings

Applicants hereby call to the attention of the Patent and Trademark Office the following reexamination proceedings involving a patent that is directly related to the above-identified patent application:

Proceeding	Status
Ex Parte Reexamination of U.S. Patent No. 5,708,780	Reexamination Certificate
(Control No. 90/007,183)	Issued; March 15, 2006
Ex Parte Reexamination of U.S. Patent No. 7,272,639	Reexamination Certificate
(Control No. 90/011,444)	Issued; September 29, 2011
Ex Parte Reexamination of U.S. Patent No. 7,272,639	Response after Non-Final
(Control No. 90/011,937)	Action Entered; May 2, 2012

Documents which may be material to the related *Ex Parte* Reexaminations that are not already of record in this patent application are listed on the accompanying Form PTO/SB/08 and submitted herewith as documents **NPL1-NPL11**. If the Examiner should wish to review any other materials, information or documents from the related Reexaminations, copies can be provided to the Examiner upon request.

### Notice of Related Litigation

Applicants hereby call to the attention of the Patent and Trademark Office the following litigations involving a patent that is directly related to the above-identified patent application:

Case	Status
Soverain Software LLC v. Amazon.com, Inc., et al. (E.D. Tex. 6:04-cv-00014)	Dismissed
Soverain Software LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511)	On appeal to the U.S. Court of Appeals for the Federal Circuit
Soverain Software LLC v. J.C. Penney Corporation, Inc. et al., (E.D. Tex. 6:09-cv-00274)	Pending

Documents which may be material to the related litigations that are not already of record in this patent application are listed on the accompanying Form PTO/SB/08 and submitted herewith as documents **NPL12-NPL30**. If the Examiner should wish to review any other materials, information or documents from the related Reexaminations, copies can be provided to the Examiner upon request.

#### Information Disclosure Statement

Listed on accompanying IDS Forms PTO/SB/08a equivalent and PTO/SB/08b equivalent are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98.

Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this
  Information Disclosure Statement was first cited in a communication from a
  foreign patent office in a counterpart application and this communication was not
  received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty
  days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR

before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

- - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. The required fee is provided through online credit card payment authorization in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
  - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

<u></u>	The document(s) was/were cited in a search report by a foreign patent office in a
	counterpart foreign application. Submission of an English language version of
	the search report that indicates the degree of relevance found by the foreign office
	is provided in satisfaction of the requirement for a concise explanation of
	relevance. 1138 OG 37, 38 and MPEP 609.04(a)(III).
<u> </u>	A concise explanation of the relevance of the non-English language document(s)
	appears below in accordance with 37 C.F.R. § 1.98(a)(3).
∑ 7.	Copies of documents FP1 and NPL1-NPL30 are submitted. However, in
	accordance with 37 C.F.R. § 1.98(a)(2), no copy of U.S. patent and patent
	application publication cited as document US1 on the attached IDS Form is
	submitted.
<b>8</b> .	Copies of the documents were cited by or submitted to
	the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application
	No, filed, which is relied upon for an earlier filing
	date under 35 U.S.C. § 120. Thus, copies of these documents are not attached.
	37 C.F.R. § 1.98(d).
<b>⊠</b> 9.	37 C.F.R. § 1.98(d).  It is expected that the examiner will review the prosecution and cited art in the
<b>⊠</b> 9.	
⊠ 9.	It is expected that the examiner will review the prosecution and cited art in the
<b>⊠</b> 9.	It is expected that the examiner will review the prosecution and cited art in the parent application nos. 09/005,479, filed January 12, 1998 (now U.S. Patent No.

cited in the earlier prosecution history has been reviewed in connection with the present application.

10. In accordance	with the Federal Circuit	decision in Dayco	) Prods., Inc. v. Total
Containment,	Inc. 329 F.3d 1358 (Fed.	Cir. 2003), Appli	cants submit herewith
Office Action	s from the co-pending U.S	. Patent Applicatio	n No,
filed	, as documents	s to	

The identification of these Office Actions is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Salvador M. Bezos

Attorney for Applicants Registration No. 60,889

Date: (0 /2/1/2012

1100 New York Avenue, N.W. Washington, D.C. 20005-3934

(202) 371-2600

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TWENTIETH SUPPLEMENTAL	Application N
	Filing Date
INFORMATION DISCLOSURE	First Named l
STATEMENT BY APPLICANT	Art Unit

(Use as many sheets as necessary)

of

Sheet

Complete if Known

Application Number 09/548,235

Filing Date April 12, 2000

First Named Inventor Thomas Mark LEVERGOOD

Art Unit 2452

Examiner Name WINDER, Patrice L.

Attorney Docket Number 3057.0020002

**************		·	U.S. PATEN	T DOCUMENTS	<del>~</del>	***************************************	
Examiner Cite		Cite Document Number Publication	Publication Date	lication Date Name of Patentee or		Pages, Columns, Lines, Where	
initials*	No. <sup>1</sup>	Number-Kind Code <sup>2 (if</sup> known)	MM-DD-YYYY Applicant of Cited Document Relevant Passa		Passages or Relevant Figures App	ages or Relevant Figures Appear	
	US1	5,708,780 C1	04-04-2006	Levergood et al.			
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E			Publication	on Name of Patentee or Pages, Columns, Lines, Who		Pages, Columns, Lines, Where	
Examiner initials*	Cite No. 1	Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Date MM-DD-YYYY				
***************************************	FP1	WO 95/16971	06-22-1995	Open Market, Inc.			

Examiner initials*	Cite No. l	Foreign Patent Document  Country Code <sup>3</sup> -Number <sup>4</sup> -Kind  Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	FP1	WO 95/16971	06-22-1995	Open Market, Inc.		
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	<u> </u>		-			
	<b></b>					

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or notcitation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

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# TWENTIETH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	1	of	3	

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Complete if Known			
Application Number	09/548,235		
Filing Date	April 12, 2000		
First Named Inventor	Thomas Mark LEVERGOOD		
Art Unit	2452		
Examiner Name	WINDER, Patrice L.		
Attorney Docket Number	3057.0020002		

		NON PATENT LITERATURE DOCUMENTS	
Examiner Cite Initials* No.1		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPLI	Franks et al., "An Extension to HTTP: Digest Access Authentication", Network Working Group, RFC 2069, January 1997, 18 pages.	
:	NPL2	NON-FINAL OFFICE ACTION dated March 17, 2005, for Reexamination Control No. 90/007,183, filed August 24, 2004, in Reexamination of U.S. Patent No. 5,708,780, issued January 13, 1998, 35 pages.	
	NPL3	NOTICE of Intent to Issue a Reexamination Certificate, dated July 27, 2005, for Reexamination Control No. 90/007,183, filed August 24, 2004, in Reexamination of U.S. Patent No. 5,708,780, issued January 13, 1998, 6 pages.	
:	NPL4	Novick, B., "The Clickstream", (9503) Internet Marketing: The Clickstream, retrieved from http://www.i-m.com/archives/9503/0375.html, March 20, 1995, 3 pages.	
:	NPL5	Phillips, "SuperHighway Access Eases Internet Entry", Netweek: A Section for Implementers of Enterprise-Wide Systems, PC Week, October 31, 1994, 3 pages.	
	NPL6	REQUEST dated August 24, 2004, for ex parte reexamination of U.S. Patent No. 5,708,780 issued January 13, 1998, 73 pages.	
	NPL7	Rescorla, E. et al., "The Secure HyperText Transfer Protocol," Enterprise Integration Technologies, Experimental, Request for Comments XXXX, June 1994, 23 pages.	
:	NPL8	Rescorla, E. et al., "The Secure HyperText Transfer Protocol," Internet-Draft (Expired May 1995), Enterprise Integration Technologies, December 1994, 35 pages.	
:	NPL9	USPTO ORDER dated October 21, 2004, granting request for ex parte reexamination of U.S. Patent No. 5,708,780, issued January 13, 1998, 5 pages.	
	NPL10	NON-FINAL OFFICE ACTION dated March 1, 2012, for Reexamination Control No. 90/011,937, filed September 30, 2011, in Reexamination of U.S. Patent No. 7,272,639, issued September 18, 2007, 7 pages.	

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Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

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Sheet

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# TWENTIETH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

of

Complete if Known				
Application Number	09/548,235			
Filing Date	April 12, 2000			
First Named Inventor	Thomas Mark LEVERGOOD			
Art Unit	2452			
Examiner Name	WINDER, Patrice L.			
Attorney Docket Number	3057.0020002			

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		NON PATENT LITERATURE DOCUMENTS	·····
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T
	NPL11	PATENT OWNER'S REPLY dated May 1, 2012, to First Office Action Under 37 C.F.R. § 1.111 and 1.550 in Ex Parte Reexamination with Exhibits, for Reexamination Control No. 90/011,937, filed September 30, 2011, in Reexamination of U.S. Patent No. 7,272,639, issued September 18, 2007, 152 pages.	
	NPL12	DECLARATION dated August 20, 2004, of John D. Vandenberg in Support of Defendant Amazon.com, Inc.'s Reply in Support of its Motion for Partial Summary Judgment of Non-Infringement ('780 Patent), Soverain Software LLC v. Amazon.com, Inc., et al. (E.D. Tex. 6:04-cv-00014), 3 pages.	
	NPL13	DECLARATION dated August 9, 2004, of Jack D. Grimes, Ph.D., in Opposition to Defendant Amazon.com, Inc.'s Motion for Partial Summary Judgment of Non-Infringement ('780 Patent), Soverain Software LLC v. Amazon.com, Inc., et al. (E.D. Tex. 6:04-cv-00014), 62 pages.	
	NPL14	THIRD SUPPLEMENTAL RESPONSE dated September, 2004, to Amazon.com's First Set of Interrogatories (Nos. 1-14), Soverain Software LLC v. Amazon.com, Inc., et al. (E.D. Tex. 6:04-cv-00014), 9 pages.	
	NPL15	UNOPPOSED MOTION dated May 18, 2005, by Amazon.com, Inc. for Leave to Amend its Answer to Include Allegations Regarding Stuff.com, Soverain Software LLC v. Amazon.com, Inc., et al. (E.D. Tex. 6:04-cv-00014), 9 pages.	
	NPL16	AMENDED COMPLAINT dated November 23, 2007, by Soverain Software LLC for Patent Infringement of U.S. Patent Nos. 5,715,314, 5,909,492, and 7,272,639, Soverain Software LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 13 pages.	
	NPL17	BRIEF dated December 7, 2010, by Appellant Newegg, Inc., Appeal from the United States Court of Appeals, Federal Circuit No. 2011-1009, Soverain Software LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 28 pages.	
	NPL18	BRIEF dated March 28, 2011, by Plaintiff-Appellee Soverain Software LLC, Appeal from the United States Court of Appeals, Federal Circuit No. 2011-1009, Soverain Software LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 75 pages.	
, , , , , , , , , , , , , , , , , , ,	NPL19	COMPLAINT dated November 2, 2007, by Soverain Software LLC for Patent Infringement of U.S. Patent Nos. 5,715,314, 5,909,492, and 7,272,639, <i>Soverain Software LLC v. CDW Corporation et al.</i> , (E.D. Tex. 6:07-cv-00511), 132 pages.	
	NPL20	MEMORANDUM OPINION AND ORDER dated August 11, 2010, ordered and signed by Judge Leonard Davis, <i>Soverain Software LLC v. CDW Corporation et al.</i> , (E.D. Tex. 6:07-cv-00511), 32 pages.	

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Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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## TWENTIETH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known 09/548,235 Application Number Filing Date April 12, 2000 Thomas Mark LEVERGOOD First Named Inventor Art Unit 2452 Examiner Name WINDER, Patrice L.

(Use as many sheets as necessary) of

Sheet	2	of 3 Attorney Docket Number 3057.0020002	
Sheet	3		***************************************
		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the artic appropriate), title of the item (book, magazine, journal, serial, symposium etc.), date, page(s), volume number, publisher, city and/or country where	$m$ , catalog, $T^2$
	NPL21	MOTIONS <i>IN LIMINE</i> dated January 13, 2010, by Soverain Software LLC attachments, <i>Soverain Software LLC v. CDW Corporation et al.</i> , (E.D. Tex 00511), 45 pages.	
	NPL22	OPPOSITION dated June 7, 2010, by Plaintiff Soverain Software LLC, to Renewed Motion for Judgment as a Matter of Law of Non-Infringement an of the Asserted Claims and Alternative Motions for New Trial (Redacted), Software LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 29 p.	d Invalidity Soverain
	NPL23	RENEWED MOTION dated May 24, 2010, by Plaintiff Soverain Software Judgment as a Matter of Law of Infringement of the '314, '492, and '639 Para New Trial on '639 Patent Damages (Redacted), Soverain Software LLC v. Corporation et al., (E.D. Tex. 6:07-cv-00511), 68 pages.	tents and for
	NPL24	RENEWED MOTIONS dated May 24, 2010, by Defendant Newegg, Inc., as a Matter of Law of Non-Infringement and Invalidity of the Asserted Clair Alternative Motions for New Trial (Redacted), <i>Soverain Software LLC v. Corporation et al.</i> , (E.D. Tex. 6:07-cv-00511), 33 pages.	ims and
	NPL25	REPLY BRIEF dated April 14, 2011, by Appellant Newegg, Inc., Appeal funited States Court of Appeals, Federal Circuit No. 2011-1009, Soverain Sv. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 13 pages.	
	NPL26	REPLY dated June 14, 2010, by Defendant Newegg, Inc., in Support of its Motion for Judgment as a Matter of Law of Non-Infringement and Invalidit Asserted Claims and Alternative Motions for New Trial (Redacted), Sovera LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 12 pages.	ty of the
	NPL27	REPLY dated June 14, 2010, by Plaintiff Soverain Software LLC, in Support Renewed Motion for Judgment as a Matter of Law of Infringement of the '3 and '639 Patents and for a New Trial on '639 Patent Damages (Redacted), Software LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 13 pages (Redacted).	314, '492, Soverain ages.
	NPL28	RESPONSE dated June 7, 2010, by Defendant Newegg, Inc., to Soverain's Motion for Judgment as a Matter of Law of Infringement and for a New Tr. Patent Damages, Soverain Software LLC v. CDW Corporation et al., (E.D. cv-00511), 15 pages.	ial on '639 Tex. 6:07-
	NPL29	SURREPLY dated June 21, 2010, by Defendant Newegg, Inc., in Opposition Soverain's Renewed Motion for Judgment as a Matter of Law of Infringement 1914 1402	ent of the

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<u></u>		<del>,</del>
Examiner	Date	
Signature	Considered	

'314, '492, and '639 Patents, and for a New Trial on '639 Patent Damages, Soverain Software LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 8 pages. SURREPLY dated June 21, 2010, by Plaintiff Soverain Software LLC, in Opposition to Newegg's Renered Motion for Judgment as a Matter of Law of Non-Infringement and

Invalidity of the Asserted Claims and Alternative Motions for New Trial (Redacted), Soverain Software LLC v. CDW Corporation et al., (E.D. Tex. 6:07-cv-00511), 11 pages.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.